

fluid communication with the inlets of the vessels, each of the vessel outlet ports providing fluid communication with the outlet of only one of the vessels.

62. (new) The apparatus of claim 47 wherein the vessel-containing assembly further comprises a vessel inlet port located on the bottom surface of the base block, and vessel outlet ports located on the top surface of the cover block, the vessel inlet port providing fluid communication with an entrance control volume that provides fluid communication with the inlets of the vessels, each of the vessel outlet ports providing fluid communication with the outlet of only one of the vessels. --

REMARKS

The Applicants respectfully request examination of the present application on the merits in view of the amendments and remarks presented herein.

Amendments to the Claims

Claims 49-60 have been cancelled, without prejudice, in response to the restriction requirement set forth in the Office action. Applicants reserve the right to pursue the subject matter defined by the cancelled claims in a divisional application.

New Claims

New claims 61 and 62 have been added to more particularly point out and distinctly claim certain aspects of what Applicants regard as the invention. No new matter has been added.

Restriction Requirement

The Office action has required restriction to inventions defined by the claims of Group I (claims 1-48), drawn to an apparatus / reactor for screening / evaluating members of a library, or to the claims of Group II (claims 49-60), drawn to a method of screening members of a combinatorial library. (See page 2 of the Office action).

Applicants hereby elect to prosecute the claims of Group I (claims 1-48),

as well as new claims 61 and 62, which depend from Group I claims 15 and 47, respectively.

Election of Species

The Office action has also required election of “a single disclosed species for prosecution on the merits”, based on the assertion that “(t)he application contains claims directed to the following patentably distinct species of the claimed invention: (t)he invention as illustrated by Fig. 8 and Fig. 12.” The Office action indicates that “none of the claims are generic”, but does not, however, indicate which of the claims are considered to be drawn to a particular respective species.

In response to the election of species requirement set forth in the Office action, but subject to consideration of the following remarks, Applicants hereby elect to prosecute the claims that cover the embodiment represented schematically by Figure 8.

Applicants respectfully disagree with the assertion in the Office action that none of the pending claims are generic to the specific embodiments represented schematically by Figure 8 and Figure 12. In fact, all of the as-filed claims of Group I (claims 1-48) cover the embodiment represented by Figure 8, either generically (in that they also cover the embodiment represented by Figure 12) or more specifically (in that they include requirements that are disclosed in connection with Figure 8, but not in connection with Figure 12). In particular, each of claims 1-6, 8-15, 32-39 and 41-47 are *generic* to each of the embodiments represented by Figure 8 and Figure 12. Each of claims 7, 16, 17-31, 40 and 48 cover the specific embodiment represented by Figure 8, but include requirements that are not disclosed in connection with the embodiment represented by Figure 12.¹

¹ Although claims 7, 16, 17-31, 40 and 48 are considered by Applicants to cover the specific embodiment represented by Figure 8 and to include requirements that are not disclosed in connection with the embodiment represented by Figure 12, Applicants respectfully note that the scope of these claims is not limited to the specific embodiment represented by Figure 8.

Although none of the *as-filed* claims cover the embodiment represented by Figure 12 exclusive of the embodiment of Figure 8, *new* claims 61 and 62 added by the instant Amendment A cover the specific embodiment represented by Figure 12, but include requirements that are not disclosed in connection with the embodiment represented by Figure 8.²

Finally, Applicants respectfully note that the Office action does not present any basis (*i.e.*, reasons) for the asserted position that the specific embodiments represented by Figure 8 and Figure 12 are separately patentable (*i.e.*, novel and non-obvious) in view of each other. Until such basis is presented by the Examiner, Applicants respectfully decline to comment with regard to this issue.

In view of the foregoing, the Applicants request examination on the merits, and submit that each of the pending claims 1-48, 61 and 62 are in condition for allowance.

The Applicant believes that no new fees are required in connection with the instant Amendment A. If necessary, however, the Examiner is authorized to charge any necessary fees to Deposit Account No. 50-0496.

Respectfully submitted,

Date: 10-5-99



Paul A. Stone Reg. No. 38,628
Attorney for Applicant(s)

Symyx Technologies, Inc.
3100 Central Expressway
Santa Clara, CA 95051
Tel: (408) 764-2000
Fax: (408) 748-1221

² Although new claims 61 and 62 are considered by Applicants to cover the specific embodiment represented by Figure 12 and to include requirements that are not disclosed in connection with the embodiment represented by Figure 8, Applicants respectfully note that the scope of these claims is not limited to the specific embodiment represented by Figure 12.